

109TH CONGRESS
1ST SESSION

H. RES. 322

Expressing support for the European Court of Human Rights for its decisions in the *Loizidou v. Turkey* and *Xenides-Arestis v. Turkey* cases and for admitting similar cases before the European Court of Human Rights.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2005

Mrs. MALONEY (for herself, Mr. BILIRAKIS, and Mr. PALLONE) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Expressing support for the European Court of Human Rights for its decisions in the *Loizidou v. Turkey* and *Xenides-Arestis v. Turkey* cases and for admitting similar cases before the European Court of Human Rights.

Whereas Titina Loizidou lived in Kyrenia, a city in the northern, occupied part of Cyprus until 1972 when she and her husband moved to Nicosia with the intention of moving back to Kyrenia at a later date;

Whereas Turkey illegally invaded Cyprus in 1974, thereby denying Loizidou access to the property she had inherited from her family;

Whereas in 1989, Loizidou filed an application against Turkey with the European Commission of Human Rights;

Whereas the European Court of Human Rights ruled that Turkey was responsible for preventing Loizidou from accessing her property in Kyrenia and was found guilty of violating her property rights;

Whereas in 1996, the European Court of Human Rights ruled that Turkey must pay Loizidou pecuniary and non-pecuniary damages of \$900,000 by October 28, 1998;

Whereas Turkey failed to meet the October 28, 1998, deadline but compensated Loizidou in 2003;

Whereas in November 1998, Myra Xenides-Arestis filed a complaint against Turkey for violating her property rights by preventing her from accessing her property in the northern, occupied part of Cyprus;

Whereas in April 2005, the European Court of Human Rights decided that the case brought by Xenides-Arestis against Turkey was admissible;

Whereas in 2005, the European Court of Human Rights ruled in the same case that Turkey continues to be responsible for the occupied areas of Cyprus since Turkey exercises effective and overall control through the presence of its troops;

Whereas the European Court of Human Rights ruled that the rejection of the Annan plan by the Greek Cypriots does not have the legal consequence of bringing to an end the continuing violation of the rights of displaced persons; and

Whereas other Greek Cypriots whose properties were seized by Turkey in 1974 are in the process of bringing similar claims before the European Court of Human Rights: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

1 (1) commends the European Court of Human
2 Rights for its judgment in favor of Titina Loizidou
3 in the Loizidou v. Turkey case and its more recent
4 judgment on the admissibility of the Xenides-Arestis
5 v. Turkey case;

6 (2) urges the European Court of Human Rights
7 to consider current and future cases brought by
8 Greek Cypriots against Turkey for the violation of
9 their property rights; and

10 (3) urges Turkey to respect the decisions of the
11 European Court of Human Rights with respect to
12 Cyprus, uphold the Council of Europe's founding
13 values, including respect for the right to property,
14 and end the illegal exploitation of Greek Cypriot
15 properties in the areas of Cyprus under Turkish
16 military occupation.

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